

MICROSOFT CORPORATION,)
)
 Plaintiff,) CASE NO. C10-1823JLR
)
 v.) SEATTLE, WASHINGTON
) May 30, 2012
 MOTOROLA, INC., et al.,)
) TUTORIAL PRESENTATION
 Defendant.)
)

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1 May 30, 2012

10:00 a.m.

2 PROCEEDINGS

3 THE CLERK: Case C10-1823, Microsoft v. Motorola.
4 Counsel, please make your appearances for the record.

5 MR. HARRIGAN: Good morning, Your Honor. Art
6 Harrigan representing Microsoft. Mr. Cederoth, next to me
7 here, will be speaking this morning, and we have David
8 Greenfield and Chris Wilson, and in the first row back there,
9 David Cillough and Andy Culbert from Microsoft.

10 MR. PALUMBO: Good morning, Your Honor. Ralph
11 Palumbo representing Motorola, and we have David McKune from
12 Ropes and Gray, Rob Pluta from Motorola, Philip McCune from
13 Summit, and Steve Pepe, and Mr. Pepe will be speaking this
14 morning.

15 THE COURT: Thank you.

16 Counsel, we are here for your tutorial. In preparation
17 for this, I can tell you that I have had the opportunity to
18 read both patents. In addition to that, I found very helpful
19 Exhibit A and Exhibit K out of someone's briefing, which is
20 the asserted claim language broken out by the terms. I
21 appreciate you doing that for me.

22 I'm not sure who is going first. Mr. Cederoth?

23 MR. CEDEROTH: May I proceed, Your Honor?

24 THE COURT: You may.

25 MR. CEDEROTH: Your Honor, we could do these in

1 whatever order is most convenient for the court. At the top
2 of my file is the '780 patent.

3 THE COURT: That's fine.

4 MR. CEDEROTH: Your Honor, we've set this up the same
5 way we have with the prior patent, so basically there's a
6 little bit of introduction in terms of background in the
7 prior art, and then a brief overview of the invention, trying
8 to avoid getting into the arguments that are coming next week
9 in the context of the specific claim construction disputes.

10 So the '780 patent is entitled, "Loading status and the
11 hypermedia browser having a limited available display area."
12 This patent was filed roughly 15 years ago, back in the heart
13 of -- at the time of what were the browser wars.

14 At that time -- we've shown as a web page here, on
15 Slide 4, this is what you saw. These were traditional web
16 browsers. This was Internet Explorer 3, Version 3, which was
17 introduced in the fall of 1996 and competed directly against
18 what was NetScape 3 at the time.

19 It worked in much the same way browsers work today in the
20 sense of retrieving web pages in various markup languages,
21 primarily HTML or hypertext markup, and displaying the
22 contents, whatever the -- whatever the web page code directed
23 the browser to display.

24 Again -- and we've tied these to some of the quotes from
25 the patent just to bring a little bit more context in terms

1 of what the patent is describing in the text and what you
2 would have seen if you were browsing using Internet Explorer
3 3 or similar browsers at the time.

4 The thing to bear in mind timeframe wise, in 1996, 1997,
5 you don't have, you know, the little computer in your pocket
6 that we carry today in terms of the smartphone. Handheld
7 devices at the time were just then sort of coming into their
8 own in terms of being a real computer, and they certainly
9 weren't, you know, the convergent-type device that we have
10 today, and most of -- in fact, I don't want to say all, but
11 primarily people browsed the web at home using a traditional
12 desktop PC. The browsers at the time had a very familiar
13 layout. They all offered a menu, in addition to other
14 control elements, typically with a ribbon across the front.
15 At some point there were efforts to customize that and allow
16 you to move the ribbon to the side or the bottom or whatever,
17 or shrink the ribbon altogether, but generally this is what
18 browsers looked like.

19 In addition to the fundamental control elements in terms
20 of the menu, they also included the status displays. Because
21 if you think back to that time in particular, the connections
22 that most people had to the Internet were not particularly
23 fast, and so web pages would load at varying speeds, highly
24 dependent upon the quality of your connection and the
25 complexity of the content in the web page, whether it was

1 images or just text. And also there was a lot of art in
2 terms of constructing the web page so it would load quickly.

3 As noted in the patent, this is something which I can
4 still recall, I suspect everyone can: User frustration. The
5 page would load, and honestly you wouldn't know whether the
6 page was done loading. Particularly, you know, at that time,
7 you go to a new page -- and to some extent it really was kind
8 of the age of discovery for a lot of people with respect to
9 the web, and the age of discovery for web developers in terms
10 of the content they were putting up on their website.

11 So you'd go to a new page, and -- you know, at one time
12 you really didn't know whether it all loaded. So the -- all
13 the browsers went pretty quickly to use of the status
14 displays or status indicators.

15 Here, the Internet Explorer actually had two. One was the
16 stylistic "e" in the upper right-hand corner. The other was
17 the bar across the bottom, which could be used to show
18 loading in sort of a bar graph form, going from far left to
19 far right as the content is fully loaded.

20 On Slide 11, we actually have an animation and we have a
21 CD that we provided to the court and counsel, which capture
22 this animation.

23 What this is was a screen capture run over the top of an
24 Internet Explorer from that vintage on a Windows 95 computer
25 loading a web page which was archived also from that

1 timeframe. And let's -- we'll run back to the beginning.

2 So if you'd navigate to this web page, which was the
3 University of Illinois National Center of Supercomputing
4 Applications, the address is in the address bar, we load to a
5 new page, and we wait. The logo, the stylized "e" begins to
6 animate as it begins to enter, and while the web browser is
7 loading the content that it's retrieving from the website,
8 from the web server, and it continues to, in this case,
9 animate -- in other words, this spinning globe -- as the
10 content is continued to be -- I don't want to say necessarily
11 "downloaded," but loaded from the website.

12 The way browsers work is they retrieve the page. They
13 load it into their own memory construct from which they then
14 display it.

15 This vintage of web browser in the 1995, '96, '97
16 timeframe, added a feature that the '780 patent assumes to be
17 in the prior art, and it certainly was. And that's where
18 the -- the pages would load as best they could on the fly --
19 or they -- sorry -- they would display as best they could on
20 the fly. As they got sufficient content, they would put it
21 up.

22 If you think back to that timeframe, there's often -- and
23 the animation actually shows it -- where a higher density or
24 larger content such as an image was going to be displayed,
25 often the browser would first display a textual indicator,

1 because that was easy to put up fast. And what that did to
2 the user is it provided this digital affirmation that the
3 browser was working, that their web page hadn't stalled or
4 they hadn't lost their connection, and then adds enough of
5 that content for the image. Here we've got a couple of
6 paragraphs from folks from the NCSA, and as they were loaded
7 and able to be displayed, they would be displayed. So the
8 page would build sort of sequentially.

9 And while this was going on in the background, while the
10 content was being loaded, the display icons would animate or
11 otherwise indicate to the user that the content was still
12 being loaded.

13 So that is the status display that sort of brings us to
14 where the patent dives in.

15 The patent starts with the idea that this is the time
16 where smaller, handheld devices are beginning to be adopted,
17 and this Windows CE was sort of the first, really,
18 computer-like operating system for small handheld devices.
19 Again, sort of thinking back to that time, you know, sort of
20 specialty devices like the Palm, but they really weren't
21 computer-like in the way that your desktop was or like your
22 laptop might be, or certainly like today's convergent devices
23 are.

24 Flashing back to what the browser looked like on your
25 desktop, you had the address bar, you've got the display, the

1 status display. Then in the smaller devices, and, actually,
2 the device that the patent uses in its illustrations, I
3 think, was actually a device that HP brought out in that
4 timeframe specifically for Windows CE devices. And you can
5 see that there's no permanent address bar, there's no status
6 display icon. And the reason for that is the -- is the
7 smaller screens' geography. There's simply less space to be
8 used for, other than content that the user is looking to
9 display and access.

10 So the problem posed by the patent is both, well, where do
11 you put the display -- the status display icon, because the
12 handheld devices had the same issues in terms of access to
13 the Internet, in terms of their own connections and how
14 quickly they could download any particular web page. If
15 anything, they had a bigger problem with it because this is
16 the time, again, when wireless was also in its infancy, at
17 least in comparison to how we know it today.

18 We've included in here some slides on the prior art, two
19 pieces of prior art that I'm going to skip over pretty
20 quickly, but they are the Blonder reference and the Knowlton
21 reference. These will come up next week in the claim
22 construction hearing, they figured in the briefing, they
23 figured in the prosecution history for the '780 patent. The
24 important takeaway for today in terms of -- specifically in
25 terms of Blonder is that Blonder did consider this -- and in

1 particular, Figure 13 of the Blonder patent shows -- did
2 consider this specific problem in the sense that a user would
3 be navigating from page to page, and it's not clear how they
4 determined it, but they do have this test they show in Box
5 136 in the Figure 13 flowchart where they actually make this
6 test, is the time to load this page greater than some time
7 threshold? If no, we go right to displaying the page, and
8 that would have happened consistent with the state-of-the-art
9 browsers that we discussed a few minutes ago consequentially
10 as the content was available. Maybe not the whole page at
11 once, but on the flow.

12 But if the time to load exceeds the threshold, then
13 Blonder's solution to that, to this sort of presenting the
14 user with what appears to be a hung-up display, is to dump in
15 a web page padding that is alternate content. It's not the
16 content that the user was trying to access. It wasn't the
17 next page in their little hypermedia path. It's something
18 different in the patent, and Blonder describes it, and then
19 that page -- that padding, that alternate content stays on
20 the screen and entertains the user -- the patent describes it
21 being related, you know, a specific example is that if you
22 were traversing through a particular set of pages, you might
23 have one pre-stored that relates to that topic. So you put
24 it up, and the user is still engaged.

25 Once the page the user is actually trying to get to is

1 ready to load, then you can see the flowchart shows, you put
2 that on the page and display it. So that loading time is
3 spent with padding. And then this was discussed in the
4 prosecution history, and we'll come back to that next week.

5 Knowlton is, really, a completely different set of
6 technologies. It's intended to extract an image from -- an
7 actual image. These are not web pages, and they're not
8 displayed one on top of the other in the manner --
9 particularly in the manner described in the '780.

10 Let's talk briefly about the '780 patent and what does it
11 propose to add to the art and add to the user experience.

12 Fundamentally, we're talking about a temporary status icon
13 that appears over a content area, and that it's indicative of
14 the present condition where content is being loaded into the
15 content area so that it can be displayed.

16 Going back to the screen, real estate, the patent has an
17 area 56. This is the area that's available to display the
18 web page, display the area the user was trying to access. It
19 does include -- at least in this embodiment, it does include
20 some of the usual control elements. You've got menus and
21 file menus so that the typical navigation operations that a
22 user would use consistently are shown by buttons in a
23 traditional way. But there's no address bar, there's no
24 status icon to provide the indication that users would have
25 been familiar with that the page was loading.

1 Looking at the content, it's made -- the content would be
2 very similar, if not exactly the same you can see on your
3 home PC. You've got images, you've got hyperlinks, you've
4 got text. If we'd gone back to the NCSA page, we would have
5 had pictures of the NCSA principals that were displayed, but
6 you don't have the status bar.

7 So what the patent proposes is to take a status icon, a
8 status indicator, and superimpose it, overlay it over the
9 content area on a temporary basis so that the user would have
10 this visual indication that their browser is working; that in
11 the background it is continuing to load the information which
12 is going to be displayed as the content. And while that
13 loading is going on, the indicator is there somewhere
14 overlaying the content. Again, specifically it requires it
15 to be over a portion of the content-viewing area.

16 Then once the content is loaded and all that remains to be
17 done is the display, then the icon disappears. It's designed
18 to move off screen and not be visible to the user. And the
19 user can then scroll through this page. One of the typical
20 experiences is in these smaller devices, you only had part of
21 the page, whereas on your home PC with a full-sized monitor,
22 you might have the whole page or substantially all the page.
23 In the smaller devices, you really didn't. So you might have
24 to scroll down, and as you scroll, the additional information
25 from the page would be displayed as you come to it. But once

1 the icon has disappeared or gone off screen, then you know
2 the page is loaded.

3 That is -- that brings us to the end. The idea is to
4 provide to the web user of these small devices, not even
5 necessarily small devices, but anywhere where you're trying
6 to maximize the viewing area and minimize the space of the
7 device, that which is used for control indication that have a
8 temporary nature.

9 The '780 teaches to provide the loading indicator over the
10 viewing area, and then remove it.

11 I'm happy to answer any questions, Your Honor.

12 THE COURT: I understand.

13 MR. PEPE: Good morning, Your Honor. May I proceed?

14 THE COURT: Yes.

15 MR. PEPE: I don't have a tremendous amount to add to
16 Mr. Cederoth's presentation.

17 If you scroll through our slides, starting on Slide 15, in
18 many ways it tracks and is duplicative of Mr. Cederoth's
19 presentation, and rather than give the court a similar
20 presentation, I'm just going to focus on two points.

21 The first point is on Slide 20. It's in the summary of
22 the invention description.

23 Now, as Mr. Cederoth explained, the concept here is to
24 take a temporary graphic element and put it in the
25 content-viewing area while content is being loaded. What the

1 summary invention says to do with this temporary graphic
2 element is to put it in the corner of the content-viewing
3 area, and the reason is simple.

4 The temporary graphic element is going to obstruct the
5 underlying content, so the patent explains that if you put it
6 in the corner of the web page, the corner of the
7 content-viewing area, there's typically not content there, so
8 you're not going to be obstructing anything of significance.

9 So the summary of the invention instructs that if you're
10 going to use this concept, to put the temporary graphic
11 element out of the way so you don't obstruct any underlying
12 content.

13 And then if we could flip over to Slide 21, Mr. Cederoth
14 had used Internet Explorer 3. In our presentation, we use
15 Internet Explorer 1. And just to kind of summarize about
16 what this patent is all about, it basically takes that
17 loading status icon, which Mr. Cederoth explained is in this
18 toolbar area, which is outside the content-viewing area, and
19 what it simply does is it takes this animated icon, which is
20 in the content-viewing area, and rather than keep it in the
21 toolbar, it just puts it in this content-viewing area such
22 that when content is being loaded, you see that icon there,
23 and then once content is completely loaded -- if we can flip
24 over to 22 -- that icon will then disappear. That is
25 fundamentally the concept of the '780 patent.

1 Unless the court has any questions, I will sit down, and
2 we can move on to the '582.

3 THE COURT: All right. I think I understand. Thank
4 you.

5 MR. PEPE: Thank you, Your Honor.

6 MR. CEDEROTH: Your Honor, I'll start with -- and I
7 apologize for not handing out the slides on the '780, but
8 I'll correct that with the slides I have on the '582. If I
9 may approach?

10 THE COURT: Yes. You may proceed.

11 MR. CEDEROTH: Thank you, Your Honor. The '582
12 patent -- and I'll follow the same format as before. I'll
13 give you introduction to the prior art and then a little bit
14 of background on the '582.

15 The advance here, again, focuses on portable devices,
16 small devices, and specifically in advance in terms of
17 virtual keyboards. Historically, as the patent describes,
18 there have been separate applications -- separate keyboards
19 for separate applications or device-specific keyboards. And
20 the patent tries to move beyond that. And as the title tells
21 us, it's the soft input panel system and method. Maybe not
22 as descriptive as the drawings can be.

23 Starting with the -- on Slide 4, what we've shown is,
24 basically, a generic device, the idea that portable devices
25 typically had two mechanisms for accepting user input. The

1 first was what I mentioned, that each application might have
2 its own virtual keyboard. And as we've shown here, you've
3 got a word processor and a spreadsheet application. Each of
4 them has a keyboard which is displayed on the screen when
5 that particular program is being run, and the user, then, is
6 limited to using that keyboard, that input for accessing the
7 functionality of a particular program, whether it's a word
8 processor or it's a spreadsheet program.

9 The second solution that I alluded to was that basically
10 the device itself would have a virtual keyboard. And while
11 what we've shown here is actually relatively simple for a
12 device keyboard, what you'd find is that you're talking about
13 a keyboard which has to be sort of all things to all
14 programs, then. So at least the complexity of these much
15 smaller key size potentially leads to confusion in terms of
16 providing a useful interface to specific applications.

17 So confronted with this -- and virtual keyboards were
18 certainly well known at the time of the '582 patent. What
19 the patent tries to do is provide a -- you know, what's
20 describe as an efficient and flexible solution or method for
21 providing users with options on the keyboards on a per
22 application basis. I sort of think of it as allowing many
23 keyboards to many applications mapping, whereas in the prior
24 art you had an application to keyboard-specific mapping or
25 device-to-keyboard-specific mapping.

1 And the way the patent goes about doing this is, when an
2 application -- when you come first to the application, the
3 user is presented with an icon, which is shown in the bottom
4 of the screen here, it's No. 52, which is basically a button,
5 and it allows the user to press that button via the stylus or
6 the touchscreen, and that pops up a list, a list of potential
7 input methods from which the user can choose.

8 In Figure 6 of the patent, which is shown here on the
9 left, the list includes the keyboard, handwriting tool, or
10 misspelled graffiti, which was a play on some software that
11 Palm provided at the time. It's shown as kind of a spray
12 can, a drawing tool.

13 And then in Figure 7, you see what the user has chosen.
14 For this particular instance, it's the keyboard, basically a
15 virtual QWERTY keyboard that can be used to enter text and
16 other information. Alternatively, the user could have chosen
17 a numerical keypad, as shown in Slide 10. After tapping the
18 button, this icon for virtual keyboards, this provides, then,
19 a -- many to many, if you will, or many to each mapping for
20 the applications so that if you're in a word processor -- I,
21 actually, have a series of slides here that will give you an
22 example of how a user might choose to toggle between these.

23 So the patent describes first including some sort of
24 interface component or technology which allows the
25 application then running on the device to receive the virtual

1 input from the various different virtual keyboards as if the
2 user was basically going around and plugging in these
3 different physical keyboards, physical input devices.

4 So you start with the user making a selection of a QWERTY
5 keyboard. So the user types on the QWERTY keyboard, and the
6 text elements then appear on the screen. "My number is."
7 Okay?

8 Now the user has moved to a new keyboard, using the
9 numeric keyboard like you might use with a word processing
10 application, and type in a number.

11 And then the next one, the same thing could be done, then,
12 in terms of drawing. So the user could start with the
13 drawing keyboard and draw this really handsome sketch of a
14 flower, choose the QWERTY keyboard to insert the text for
15 "flower," and then use the numeric keypad to insert the
16 numeric information about it.

17 The advantage here is that -- again, we're talking about
18 relatively limited screen size. Is all the -- the -- all the
19 input buttons, either text or line drawing tools or numbers,
20 could have been crammed onto a single keypad as the prior art
21 did and had that for the device itself to be used with any
22 application on the device, or each of these could have been a
23 separate application.

24 But what the '582 attempts to do is provide these options
25 to the user so they can select them on the fly for whatever

1 is most convenient.

2 The ones listed in the patent are the keyboard, the
3 drawing pallet, and graffiti. The patent also teaches that
4 the great thing about this is you're not then limited. The
5 user can download and install or otherwise install their own
6 customized keypads, again, able to use them and select them
7 on the fly with each application.

8 That is -- that is the simple version of it, but that
9 concludes it.

10 THE COURT: Thank you.

11 MR. PEPE: May I, Your Honor?

12 THE COURT: Yes.

13 MR. PEPE: So, again, I'm not going to try to retread
14 any ground that Mr. Cederoth covered, so I'm going to start
15 with Slide 8 and provide a clarification and, I think, a
16 potential misstatement by Mr. Cederoth.

17 Looking at Figure 6, I believe he stated that you would
18 press 52 to pop up that pop-up menu. I believe the patent
19 explains, and you can see this on the blow-out on Slide 8,
20 the first blow-out. I believe it's the triangular button
21 "70" that you would press that would pop up this menu of
22 potential soft input methods. Button 52 is actually used to
23 either hide or display the software input method that's been
24 selected.

25 If we can turn back a slide to Slide 7, Mr. Cederoth

1 explained about this use of the interface, and I'd like to do
2 a deeper dive into what the interface actually is. And what
3 we've reproduced here is Figure 2 on the right. And the
4 patent discloses what's called the SIP manager, SIP stands
5 for Soft Input Panel.

6 Now, this SIP manager is really the heart of what's going
7 on in the '582 patent. It's called a "manager" because what
8 it's doing is it's managing these input methods. As the
9 patent explains, the SIP manager is connected to the
10 graphical window environment. That's like the Windows
11 operating system. It's also interfaced with the input method
12 64. That would be the display of a keyboard, the handwriting
13 recognition, the graffiti that was misspelled that was
14 mentioned earlier.

15 And what the SIP manager does is, it kind of directs
16 traffic. What it does, if we could flip to Slide 10, for
17 example. This shows what happens when a user is pressing a
18 key on a displayable keyboard. The SIP manager will receive
19 that input from -- through the interface that was mentioned
20 earlier.

21 And if you flip over to the next slide, the SIP manager
22 will then direct that input over to the graphical window
23 environment. So we start out with the user in the input
24 method, the display and keyboard, typing in the input. That
25 gets sent to the SIP manager. The SIP manager will then

1 redirect it to the graphical window environment. And then
2 flipping over to Slide 12, that graphical window environment
3 will then send it to another application being used, be it a
4 processor, be it a spreadsheet, be it an email program.

5 Now, I wanted to focus for a minute on this Figure 2, and
6 in particular the boxes in the upper right-hand corner.
7 Those are the hardware keyboard 36 and the keyboard driver
8 62.

9 The hardware keyboard is a physical keyboard that you
10 would use with a typical PC, and a keyboard driver is simply
11 just software which would allow the keyboard to communicate
12 with the operating system.

13 Now, most applications are designed to receive input from
14 a physical hardware device such as a keyboard, and because of
15 that, the SIP manager, which sends the user input over to the
16 graphical window environment, will put it in a form such that
17 it looks like it came from a hardware device.

18 And you can see Slide 12 in those two blow-outs -- the
19 second two blow-outs on the slide, in particular reading from
20 the abstract, it explains that the manager component --
21 that's the SIP manager -- communicates the user data to the
22 graphical window environment as a message, whereby an
23 application program receives the message as if the message
24 was generated on a hardware input device.

25 So this is an issue that's going to come up next week, so

1 I'm not going to go deeper into it, but as the patent
2 explains, the application is going to receive this input, not
3 as if it was generated on a soft panel, but as if it was
4 generated on a hardware device such as a keyboard.

5 Other than those few points, I think Mr. Cederoth covered
6 it all. Unless Your Honor has questions, I'll take a seat.

7 THE COURT: No, thank you.

8 MR. PEPE: Thank you, Your Honor.

9 THE COURT: Mr. Cederoth, do you want to respond as
10 to which button you push?

11 MR. CEDEROTH: I believe Mr. Pepe has that right,
12 Your Honor. I think the patent is pretty clear about it. I
13 was not intending to rewrite the patent on the fly.

14 THE COURT: All right. Anything else that you would
15 like to present today, gentlemen?

16 MR. CEDEROTH: Your Honor, we do have a CD that has
17 the animations, and we'll --

18 THE COURT: You can make them available.

19 MR. CEDEROTH: We'll submit it to the court and to
20 counsel.

21 THE COURT: Mr. Pepe, anything further?

22 MR. PALUMBO: Nothing, Your Honor. Thank you.

23 THE COURT: Counsel, we'll be in recess, being better
24 informed than when we came. Thank you very much.

(PROCEEDINGS CONCLUDED.)

C E R T I F I C A T E

I, Nancy L. Bauer, CCR, RPR, Court Reporter for the United States District Court in the Western District of Washington at Seattle, do hereby certify that I was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I have caused said stenographic notes to be transcribed under my direction and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this 12 day of June 2012.

/S/ Nancy L. Bauer

Nancy L. Bauer, CCR, RPR
Official Court Reporter